

Notice of Allowability

Application No.

10/757,261

Examiner

R. Alexander Smith

Applicant(s)

HILLYARD ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 28 November 2007.
2. ☒ The allowed claim(s) is/are 1-20 and 30-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance of claims 1-20 and 30-39.

For independent claim 1 the prior art of record does not disclose or clearly suggest a measuring device for viewing an object disposed in a difficult to view area and for measuring a distance between first and second points on the object, said measuring device comprising:

a laser device movably mounted to the support structure and operable to generate a laser beam, said laser device being positioned relative to the mirror such that when the laser beam is generated, the laser beam strikes the mirror and is reflected, thereby dividing the laser beam into a first portion extending from the laser to the mirror and a second portion extending from the mirror outward, said laser device being movable along a measurement path extending parallel to the length of the measuring instrument, wherein movement of the laser device along the measurement path causes the second portion of the light beam to move in a travel path disposed perpendicular to the measurement path; wherein when the measuring device is disposed in the viewing position, the distance between the first and second points on the object is measured by placing the laser device in a first measurement position that places the second portion of the laser beam at the first point on the object and then moving the laser device along the measurement path to a second measurement position that places the second portion of the laser beam at the second point on the object,

in combination with the remaining limitations of the claim.

Claims 2-13 recite limitations which, in combination with allowed claim 1, render the dependent claims allowable.

For independent claim 14 the prior art of record does not disclose or clearly suggest a measuring device for viewing an object disposed in a difficult to view area and for measuring a distance between first and second points on the object, said measuring device comprising:

a laser device mounted to the carriage for movement relative thereto and operable to generate a laser beam, said laser device being positioned relative to the mirror such that when the laser beam is generated, the laser beam strikes the mirror and is reflected, thereby dividing the laser beam into a first portion extending from the laser to the mirror and a second portion extending from the mirror outward through the first spacing, said laser device being movable along a measurement path extending parallel to the length of the measuring instrument,

wherein movement of the laser device along the measurement path causes the second portion of the laser beam to move in a travel path disposed perpendicular to the measurement path;

wherein when the measuring device is disposed in the viewing position, the distance between the first and second points on the object is measured by placing the laser device in a first measurement position that places the second portion of the laser beam at the first point on the object and then moving the laser device along the measurement path to a second measurement position that places the second portion of the laser beam at the second point on the object, wherein the distance between the first and second measurement positions is determined using the measuring instrument and provides a measure of the distance between the first and second points on the object

in combination with the remaining limitations of the claim.

Claims 15-20 recite limitations which, in combination with allowed claim 14, render the dependent claims allowable.

For independent claim 30 the prior art of record does not disclose or clearly suggest a method of measuring a distance between first and second points on an object, said method comprising the steps of:

viewing the object with a fixed mirror;
reflecting the laser beam with the mirror such that the laser beam is divided into first and second portions that are disposed at a right angle to each other;
moving the first portion of the laser beam along a measurement path to a first measurement position that places the second portion of the laser beam at the first point on the object as viewed by the mirror;
moving the first portion of the laser beam along the measurement path to a second measurement position that places the second portion of the laser beam at the second point on the object as viewed by the mirror; and
in combination with the remaining limitations of the claim.

Claims 31-39 recite limitations which, in combination with allowed claim 30, render the dependent claims allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

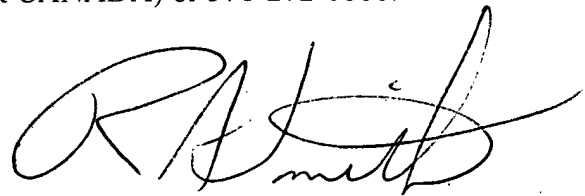
Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a large, stylized initial 'R' and a long, sweeping horizontal stroke extending to the right.

R. Alexander Smith
Primary Examiner
Art Unit 2859

December 20, 2007